

Message Text

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43

ACTION EB-07

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E.O. 11652: N/A

TAGS: GATT AS

SUBJECT: INFORMAL MEETING - TEXTILES SURVEILLANCE BODY - MARCH 13

REF: GENEVA 1697

1. AS INDICATED REFTEL, TSB MEMBERS, CHAIRMAN AND ALTERNATES MET INFORMALLY MARCH 13 TO DISCUSS POSSIBLE PROCEDURES FOR DEALING WITH ISSUE OF AUSTRALIAN TEXTILE TQS.

2. LITTLE EMERGED IN DISCUSSION THAT HAD NOT ALREADY BEEN GONE OVER AT LENGTH BETWEEN TSB MEMBERS IN INFORMAL DISCUSSIONS PRECEDING THIS MEETING. RESULT WAS DECISION FOLLOW COURSE OUTLINED PARA 4 REFTEL.

3. CONSENSUS WAS REACHED ON FOLLOWING POINTS:

A) ON BASIS INFORMATION PRESENTLY AVAILABLE, TSB HAD NO CHOICE BUT TO REGARD GOA TEXTILE ACTIONS AS EITHER A REPUDIATION OF OR AN EVASION OF MFA OBLIGATIONS THREATENING THE INTEGRITY OF THE ARRANGEMENT;

B) THAT, REGARDLESS OF WHATEVER ACTION MIGHT BE PURSUED IN GATT, ISSUE HAD TO BE EXAMINED WITHIN CONTEXT OF MFA;

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C) THAT, SINCE GOA ACTION SEEMED TO ENGAGE MFA ART. 9, PROCEDURAL STEPS ENVISAGED IN PARA 2 AND 3 OF ART. 9 SHOULD BE STRICTLY FOLLOWED; I.E., MFA PARTICIPANT COUNTRY OR COUNTRIES SHOULD REQUEST CONSULTATIONS WITH AUSTRALIA UNDER PROVISION OF MFA ART. 9;

D) THAT, SHOULD GOA REFUSE CONSULT UNDER ART. 9 (AS ALL AVAILABLE EVIDENCE INDICATES THEY WILL, PARTICIPANT WOULD THEN REFER MATTER TO TSB UNDER PROVISIONS PARA 3, ART. 9.;

E) THAT, WHEN MATTER REFERRED TO TSB BY AFFECTED PARTICIPANT, TSB WOULD INVITE GOA TO PARTICIPATE IN TSB EXAMINATION;

F) AND, FINALLY, THAT TSB WOULD REPORT ITS FINDINGS AND RECOMMENDATIONS, IF ANY, TO TEXTILES COMMITTEE.

4. THIS PROCEDURE WILL PROVIDE GOA, IF IT HAS ANY INTEREST AT ALL IN REMAINING IN AND HONORING ITS OBLIGATIONS UNDER THE ARRANGEMENT, WITH TWO OPPORTUNITIES PRESENT ARGUMENTS IN JUSTIFICATION OF ITS TEXTILE ACTIONS. CONVERSELY, IF THEY REFUSE TO CONSULT UNDER PARA 2, ART. 9 OR TO PARTICIPATE IN TSB EXAMINATION UNDER PARA 3 ART. 9, THEN ONLY ONE INFERENCE CAN BE DRAWN.

5. PROBLEM NOW IS WHICH PARTICIPATING COUNTRIES ARE PREPARED TO INVOKE PARA 2 ART. 9 CONSULTATIONS AND THUS "BELL THE CAT". IN THIS CONNECTION SHOULD BE UNDERLINED THAT MFA ART 9 PROCEDURE IS SUBSTANTIALLY SIMPLER THAN GATT ART. XIX. ART. 9 ONLY REQUIRES THAT PARTICIPANTS "INTERESTS ARE BEING SERIOUSLY AFFECTED" AS BASIS FOR CONSULTATION REQUEST. CERTAINLY THERE ARE SEVERAL PARTICIPATING FAR EASTERN EXPORTING COUNTRIES WHERE "TRADE INTERESTS" ARE BEING SERIOUSLY AFFECTED. IT IS EQUALLY CERTAIN THAT THERE ARE A NUMBER OF IMPORTING COUNTRIES (INCLUDING THE U.S.) WHICH, TO DATE, HAVE FULLY HONORED THEIR COMMITMENTS IN LIBERALIZING TEXTILE TRADE CONSISTENT WITH THE LETTER AND SPIRIT OF THE MFA. THESE COUNTRIES COULD AND SHOULD, FOR OBVIOUS REASONS, REGARD GOA'S REFUSAL HONOR MFA COMMITMENTS AS ACTION SERIOUSLY AFFECTING THEIR INTEREST IF, INDEED, THEY HAVE ANY INTEREST IN CONTINUED VIABILITY OF MFA.

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